

United States Courts
Southern District of Texas
FILED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DEC 18 2024

Nathan Ochsner, Clerk of Court

IN RE: HOUSTON REAL ESTATE	§	
PROPERTIES, LLC,	§	LEAD CAUSE NO. 22-32998
	§	Chapter 7
<i>Debtor.</i>	§	
	§	
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JOHN QUINLAN, OMAR KHAWAJA,	§	
and OSAMA ABDULLATIF,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
V.	§	
	§	
JETALL COMPANIES, INC.,	§	
ARABELLA PH 3201 LLC, 9201	§	
MEMORIAL DR. LLC, 2727 KIRBY 26L	§	
LLC, DALIO HOLDINGS I, LLC,	§	
DALIO HOLDINGS II, LLC,	§	
HOUSTON REAL ESTATE	§	
PROPERTIES, LLC,	§	ADVERSARY CAUSE NO. 23-03141
SHAHNAZ CHOUDHRI, ALI	§	
CHOUDHRI, SHEPHERD-HULDY	§	
DEVELOPMENT I, LLC, SHEPHERD-	§	
HULDY DEVELOPMENT II, LLC,	§	
GALLERIA LOOP NOTE HOLDER	§	
LLC, MOUNTAIN BUSINESS	§	
CENTER, LLC, RANDY W WILLIAMS	§	
CH7 TRUSTEE, OTISCO RDX LLC,	§	
MCITBE, LLC, JETALL/CROIX	§	
PROPERTIES LP, and JETALL/CROIX	§	
GP, LLC,	§	
	§	
<i>Defendants.</i>	§	

ALI CHOUDHRI'S MOTION TO STRIKE
[369] JOHN QUINLAN, OMAR KHAWAJA, AND OSAMA ABDULLATIF'S
SUPPLEMENTAL RESPONSE TO
ALI CHOUDHRI'S BAD-FAITH AND FRIVOLOUS MOTION FOR THE
RECUSAL/DISQUALIFICATION OF JUDGE JEFFREY P. NORMAN

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DEFENDANT, ALI CHOUDHRI (hereinafter, “**Choudhri**”), and files this *Motion to Strike John Qulinan, Omar Khawaja, and Osama Abdullatif’s Supplemental Response to Ali Choudhri’s Motion for Recusal/Disqualification of Judge Jeffrey P. Norman* (see Dk. 245 - the “**Motion**”; Dk. 369 - the “**Supplemental Response**”), hereby respectfully requesting this Honorable Court grant Choudhri’s Motion and strike Plaintiffs’ untimely Supplemental Response, and, in support thereof, would respectfully show unto this Honorable Court, as follows:

I. INTRODUCTION AND FACTUAL BACKGROUND

1. On October 21, 2024, Choudhri filed his Motion (Dk. 245), requesting that the Honorable Judge Jeffrey P. Norman (hereinafter, “**Judge Norman**”) recuse and/or disqualify himself from this matter due to actual and/or perceived biases, impartiality, and other actions and/or inactions which would cause a reasonable person to question Judge Norman’s clear impartiality in these proceedings. As part of his Motion, Choudhri outlined numerous instances where “[Judge Norman’s] actual and/or perceived impartiality towards Choudhri was made evident on a number of occasions by the manner in which Judge Norman has addressed Choudhri in this Court, both on the record and in written orders.” *See id.* at 3-4; *see, generally, id.* These include (1) improper, discouraging, and incorrect comments regarding Choudhri’s health condition despite contrary evidence from medical professionals (*see id.* at 7-9); (2) overtly personal comments regarding Choudhri’s character and truthfulness in public records and opinions (*see id.* at 9-10); (3) *ex parte* communications with other judges on

unrelated issues regarding Choudhri (*see id.* at 11-12); and (4) *ex parte* communications with other attorneys regarding Choudhri (*see id.* at 4-5).

2. The following day, on October 22, 2024, Plaintiffs' filed a joint response (Dk. 252 - the "**Response**") addressing only the fourth (4th) issue, arguing that the testimony from the Khawaja deposition quoted in Choudri's Motion were out of context. *See* Dk. 252.

3. The Motion was assigned to this Honorable Court for a hearing on Monday, December 9, 2024. *See* Dks. 251 & 252.

4. On December 6, 2024, three (3) days, and the Friday before, the Monday hearing date, Plaintiffs' filed a "supplemental" response, with numerous additional arguments and fifteen (15) new exhibits comprising one hundred (100) pages. Dk. 369.

5. On December 9, 2024, this Court held the original hearing, but, as a result of Choudhri's request, and in view of Plaintiffs' extremely untimely "supplemental" response, this Court continued the hearing on this Motion until December 20, 2024. *See* Ex. __.

II. ARGUMENTS AND AUTHORITIES

A. Plaintiffs' "Supplemental" Response Must Be Denied.

6. This Bankruptcy Rules and the Rules in this District and Court are clear that any response to a motion (other than from the automatic stay) are due within twenty-one (21) days of service of the Motion. *See* Court Procedures/Practice Guide for Jeffrey P. Norman, located at https://www.txs.uscourts.gov/sites/txs/files/Courtroom%20%20Procedures%20updated%2008%2017%202021_0.pdf; Southern District of Texas Bankruptcy Rule 9013-1.

7. Here, Choudhri filed and served his Motion on October 21, 2024. Thus, the deadline for any response was twenty-one (21) days later, or, November 11, 2024. Despite this, while Plaintiffs timely filed a response on October 22, 2024, Plaintiffs then attempt to skirt this clear deadline by filing their untimely “supplement” to their response. Nor did Plaintiffs seek leave from the Court to file any such untimely responsive pleading.

8. Courts have consistently held that supplements filed without leave of court and after the deadline are improper. *See DL v. D.C.*, 450 F. Supp. 2d 11, 19-20 (D.D.C. 2006) (holding that the deadline for a brief means the entire brief, not piecemeal filings in supplements); *Pushko v. Klebener*, No. 3:05-CV-211-J-25HTS, 2008 WL 10505502, *8 (M.D. Fla. Mar. 31, 2008) (finding supplements to motion were not proper or timely); *Blake v. Batmasian*, 318 F.R.D. 698, 703 (S.D. Fla. 2017) (striking a supplement that was essentially a second response brief, noting that permission is required to file such documents); *Azim v. Tortoise Capital Advisors, LLC*, No. 13-2267-DDC-JPO, 2016 WL 3405126, *6 (D. Kan. June 21, 2016) (striking a second supplement filed without leave and in violation of local rules). Put simply, “[a] supplement is not a pleading or other document that can be filed unilaterally, as a matter of right.” *Rhoten v. Dickson*, No. 04-4160-SAC, 2006 WL 2414057, *1 (D. Kan. July 25, 2006).

9. Here, Plaintiffs’ Supplemental Response is nothing less than an entirely new brief, with additional arguments and evidence not presented in Plaintiffs’ original response well beyond the twenty-one (21) day deadline. Moreover, the circumstances of the untimely filing - i.e., the Friday before a Monday hearing, giving Choudhri less than three (3) days to attempt any kind of response over a weekend - further support

this Court acting within its discretion to strike these pleadings to “promote the fair and efficient administration of justice. *See, e.g., Partridge v. Am. Hosp. Mgmt. Co., LLC*, 289 F. Supp. 3d 1, 11 (D.D.C. 2017) (“A court may, however, strike an untimely filing or decline to allow a party to supplement a filing when doing so promotes the fair and efficient administration of justice.”).

10. Thus, Plaintiffs’ Supplemental Response must be denied.

III. CONCLUSION AND PRAYER FOR RELIEF

NOW, WHEREFORE, including because Plaintiffs’ Supplemental Response is extremely untimely, almost one (1) month after the deadline, and the promotion of fair and administration of justice so supports, Plaintiffs’ Supplemental Response must be denied. Thus, Choudhri hereby respectfully requests this Court grant this motion to strike and strike untimely Plaintiffs’ Supplemental Response.

Dated: December 18, 2024

Respectfully submitted,

/s/ Ali Choudhri

Ali Choudhri
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Pro Se

CERTIFICATE OF SERVICE

I hereby certify that, on December 18, 2024, a true and correct copy of this filing was served electronically via the Court's CM/ECF system and/or as evidenced below.

23-03141 Notice will be electronically mailed to:

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/s/ Ali Choudhri

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